

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

**Case No. 13-C-915
(92-CR-178)**

ERNEST PARKER-BEY,

Movant.

DECISION AND ORDER


Over six years ago, the Court observed that Ernest Parker-Bey is “one of this district’s most frequent filers. To wit, the Court discovered at least four motions attacking his sentence under 28 U.S.C. § 2255, all of which were denied.” Case No. 07-C-213, March 6, 2007 Decision and Order. Parker-Bey now files what he calls a “Motion to Reconsider Pre-Sentencing Application of Sentencing Guidelines Pursuant to Rule 32.” This is simply another § 2255 motion in disguise. *Melton v. United States*, 359 F.3d 855, 857 (7th Cir. 2004) (“the name makes no difference. It is substance that controls”). If Parker-Bey files another successive motion, he will be sanctioned under Rule 11 of the Federal Rules of Civil Procedure. *Smith v. Gilmore*, 111 F.3d 55 (7th Cir. 1997).

The Clerk of Court is **DIRECTED** to open a separate civil 28 U.S.C. § 2255 action with Parker-Bey’s motion [ECF No. 288], which is **DISMISSED** for lack of jurisdiction. The Court will not issue a certificate of appealability. Rule 11, Rules

Governing Section 2255 Cases.

Dated at Milwaukee, Wisconsin, this 13th day of August, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge